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**CC:** Dennis Oakley; Jerriann Ernsten; Joe Helfrich; Priscilla Burton; Wa...  
**Date:** 11/19/2007 4:18 PM  
**Subject:** Rilda - Construction and Operation commitments  
**Attachments:** Rilda Commitments.doc

*Outgoing*  
*d/ks/0018*

Ken,

Typically, during major construction at permitted mine facilities, frequent visits by members of the Division's technical staff provide the opportunity for both the operator and the Division to get answers to questions and to resolve what implementing the approved plan involves. Because the construction at North Rilda Fan Portals has been drawn out over a period much longer than originally anticipated, these on-site visits from the Division have not been made with any regularity.

As a reminder, attached is a list of commitments that Energy West acknowledged would be followed during construction and operation of the North Rilda Fan facility. Initials of the Tech Staff members most familiar with these commitments follow each entry. If you have questions, please call me at 801-538-5262, Priscilla Burton [PWB] at 435-613-1146, Ext. 207, Jerriann Ernsten [JAE] at 801-538-5214, or Joe Helfrich [JCH] at 801-538-5290.

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## SUMMARY OF PERMIT CONDITIONS

### REPORTING OF TECHNICAL DATA

**Title:** Confidential. **Objective:** Submit confidential information in amendments, annual reports, and explorations in a separate folder. **Frequency:** NA. **Status:** Starting in June 2005. **Reports:** NA. **Citation:** NA [JAE, JCH].

### ENVIRONMENTAL RESOURCES: LAND USE

**Title:** Trail. **Objective:** Construct a new trailhead and parking pad at the east end of the facilities site. **Frequency:** NA. **Status:** Pending Rilda portal construction in 2005. **Reports:** NA. **Citation:** MRP, Sec. 526.116.2, p. 34 [JAE, JCH].

### OPERATIONS: FISH AND WILDLIFE INFORMATION

**Title:** Revegetate. **Objective:** Revegetate previously disturbed areas to nondisturbed standards. **Frequency:** NA. **Status:** Pending Rilda portal construction in 2005 and reclamation. **Reports:** NA. **Citation:** MRP, Sec. 330, p. 16, #1 of list [JAE, JCH].

**Title:** Wildlife. **Objective:** Adhere to wildlife exclusionary periods. **Frequency:** NA. **Status:** Ongoing during Rilda portal construction in 2005 and reclamation. **Reports:** NA. **Citation:** MRP, Sec. 322, p. 10; Sec. 330, p.16, #14 in list; Sec. 342, p. 32, #7 in list [JAE, JCH].

**Title:** Macroinvertebrates "Aquatic". **Objective:** Monitor macroinvertebrates in Rilda Creek. **Frequency:** Spring/fall two years prior to and spring/fall one year immediately following start of construction. Spring every three years during operations and reclamation. **Status:** On going. Spring/fall 2006 is the anticipated date for the year following construction. Spring 2009 is the anticipated date for the first of the three-year monitoring surveys. **Reports:** Division Annual Report. **Citation:** MRP, Sec. 330, p. 26 [JAE, JCH].

**Title:** Fish "Aquatic". **Objective:** DWR will monitor fish in Rilda Creek as part of annual surveys. **Frequency:** Spring/fall two years prior to and spring/fall one year immediately following start of construction. Spring every three years during operations and reclamation. **Status:** On going. Spring/fall 2006 is the anticipated date for the year following construction. Spring 2009 is the anticipated date for the first of the three-year monitoring surveys. **Reports:** Division Annual Report. **Citation:** MRP, Sec. 330, p. 26 [JAE, JCH].

NOTE: As of 2/14/06

Expected 2005:

Spring:

DWR to conduct the second spring macroinvertebrate.

DWR to conduct the second spring fish baseline surveys.

Fall:

Cirrus to conduct the second fall macroinvertebrate.

DWR to conduct the second fall fish baseline surveys.

2004:

Spring:

DWR conducted the first spring macroinvertebrate. (Done & in Volume 11 with Final report by USU Bug Lab)

DWR conducted the first spring fish baseline surveys. (Done & in Volume 11 - in Preliminary report)

Fall:

Cirrus conducted the first fall macroinvertebrate. (Done & in Volume 11; Preliminary report only with comments of waiting for Final report by USU Bug Lab)

DWR conducted the first fall fish baseline surveys. (Done & in Volume 11, but Cirrus conducted the fall fish survey. I thought that DWR was planning on conducting all fish surveys and all spring macro surveys and that Cirrus was only going to conduct fall macro surveys)

**Title:** Raptors. **Objective:** Over-flight surveys. **Frequency:** Yearly. **Status:** On going for life of mine. **Reports:** Upon request. **Citation:** MRP, Sec. 322, Subsec. Terrestrial Species [JAE, JCH].

**Title:** Bats. **Objective:** Install a "stay-out" sign near a large cavern. **Frequency:** NA. **Status:** Prior to Rilda portal construction in 2005. **Reports:** NA. **Citation:** MRP, Sec. 330, p. 16, #15 in list [JAE, JCH].

**Title:** Rilda Creek. **Objective:** Enhance riparian corridor along the Rilda Creek. **Frequency:** NA. **Status:** Initiate 180 days after Rilda portal construction begins in 2005. **Reports:** NA. **Citation:** MRP, Sec. 330, Tab. 300-5 [JAE, JCH].

**Title:** Rat midden. **Objective:** Install a fence around a rat midden in Rilda Canyon. **Frequency:** NA. **Status:** Prior to Rilda portal construction in 2005. **Reports:** NA. **Citation:** MRP, Sec. 322 [JAE, JCH].

**Title:** Mitigation. **Objective:** Several projects to enhance and mitigate potential impacts associated with Rilda portal facilities. **Frequency:** NA. **Status:** Pending approval or Rilda portal construction in 2005. **Reports:** NA. **Citation:** MRP, Sec. 330, Tab. 300-5 [JAE, JCH].

## SOILS

**R645-301-230 • Title:** Rilda Soil Salvage plan • **Objective:** The Permittee will have a qualified person (familiar with the soil survey and salvage plan) on site to monitor the soil salvage operations (Section R645-301-231.100). • **Frequency:** during construction • **Status:** ongoing • **Reports:** as-built volumes of salvaged soil • **Citation:** Vol 11. Section R645-301-231.100 [PWB].

**R645-301-231.400 • Title:** Rilda Topsoil Pile Construction • **Objective:** After construction, the stockpile will be surveyed and the volume of topsoil stockpiled will be documented • **Frequency:** after construction • **Status:** ongoing • **Reports:** As-built of topsoil stockpile • **Citation:** Vol 11. R645-301-232 [PWB].

**R645-301-731.311, • Title:** Subsoil Testing • **Objective:** Regraded subsoil will be sampled on 500 ft intervals to a depth of four ft (three or four samples for the 2,000 linear ft in the facilities area). The samples will be analyzed on site for pH and EC. Problem areas will be further sampled and sent to a laboratory for analysis. • **Frequency:** Final regarding • **Status:** ongoing • **Reports:** Laboratory analysis to be provided to the Division • **Citation:** Vol 11. Section R645-301-231.300 [PWB].

**R645-301-231.300, • Title:** Topsoil Handling Testing Plan • **Objective:** Three composite samples will be taken from the facilities area and sediment pond. Samples will be analyzed for parameters to be compared with baseline information and to determine the need for amendments, including fertilizer • **Frequency:** Final Reclamation • **Status:** ongoing • **Reports:** Laboratory analysis to be provided to the Division • **Citation:** Vol 11. Section R645-301-242 [PWB].

If density values exceed baseline by 10%, the surface will be ripped or gouged to 1 ft depth [PWB].

An Experimental Practice is described at the end of Chapter 2, Vol. 11 of the Deer Creek Mining and Reclamation Plan. The practice describes delineating the in place soils with brightly colored marker fabric on 10 foot centers before covering the undisturbed soil profile with a subsoil stockpile [PWB].

Bulk density of the Rominger Mine soils will occur to a depth of 6 ft. prior to disturbance to provide baseline information on the native and reclaimed soils of Rominger Mine Canyon. (Bulk density measurements will be taken again, after re-exposure of the topsoil, to provide an indication of the degree of compaction created by large stockpiles of soil.) The bulk density testing is mentioned in Subsoil/construction Fill - Experimental Practice pg.32, but is not itemized as a step to be taken during reclamation on page 35 of the Experimental Practice [PWB].

Bulk density of the existing soil surface to a depth of six feet (or lithic contact) prior to and after disturbance will be conducted to obtain information about the depth of compaction resulting from long term storage of soil. The Permittee has developed a method of bulk density testing for the coal storage pile using a split spoon (personal communication with Chuck Semborski, May 9, 2005) [PWB].

At final reclamation, the stored construction fill soil will be removed to the depth of the fabric markers. Care will be taken not to subexcavate or disturb the native soil profile. Fill removal will be done by small earth moving equipment and/or by hand labor if necessary to minimize disturbance of the topsoil. After the pad fill has been removed, the backfilled culvert will serve as the primary access way for machinery and materials associated with the remaining reclamation efforts [PWB].

Subsoil fill will be removed down to the original, undisturbed surface as delineated by the marker strips. Because of the roughness of the ground surface, pad fill be removed to the extent possible. The condition of the underlying soil materials observed at this time. The soil will be re-exposed in 5-10 foot horizontal zones that can be easily accessed and worked by hand from the adjacent pad fill level [PWB].

The 1.4 acres of reclaimed coal-mine waste will be sampled for bulk density. Section R645-301-242 indicates that a [bulk] change greater than 10% from an undisturbed state will require that the Permittee increase the gouging depth by one foot [PWB].

### **Air Quality**

The Permittee committed to have an air quality approval order that would allow the Permittee to conduct mining operations at the North Rilda Canyon Portal Facilities before construction and operations [PWB].